

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) MARCUS OYEFESO,)	
)	
Plaintiff.)	
)	
vs.)	
)	Case No. CIV-17-293-HE
(1) RELIABLE BUILDING SERVICE,)	
INC., a domestic for profit corporation,)	(Case No. CJ-2017-1049, District
(2) UHS OKLAHOMA CITY, LLC, a)	Court of Oklahoma County, State of
domestic limited liability company,)	Oklahoma, Judge Thomas E. Prince)
(3) BILL EDDY, individually,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, pursuant to 28 U.S.C. §§1331, 1441, and 1446, remove this action from the District Court of Oklahoma County, Oklahoma (where it was filed as Case No. CJ-2017-1049) to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendants states as follows:

1. On February 22, 2017, Plaintiff filed suit in the District Court of Oklahoma County, State of Oklahoma, against Defendants. The case was assigned Case No. CJ-2017-1049. A copy of the Petition is attached hereto as Exhibit 1.
2. The civil summons and the Petition (the "State Court Action") were served by certified mail on Defendant RBS on February 27, 2017, on Defendant UHS on February 23, 2017, and on Defendant Eddy on February 28, 2017. Copies of the returns of service are attached hereto as Exhibits 2, 3, and 4.

3. Plaintiff's counsel filed Entries of Appearance on February 22, 2017, Exhibits 5 and 6.

4. Defendants have not yet filed answers or responsive pleadings in the State Court Action. In filing this Notice of Removal, Defendants do not waive any defense or counterclaim that may be available to it.

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441. The Petition alleges civil action arising under the Constitution, laws, or treaties of the United States; specifically the Petition alleges claims arising under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

6. Removal of this action from the District Court of Oklahoma County, State of Oklahoma, to this Court is, therefore, proper under 28 U.S.C. § 1441, because this Court would have had original jurisdiction of the action under 28 U.S.C. § 1331 had the action been initially filed in this Court.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of Defendants' receipt of the Petition and within one (1) year of the commencement of the action.

8. Written notice of filing of this Notice of Removal will be given to Plaintiff, by and through his counsel of record in the State Court Action. Also, as required by 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of the District Court of Oklahoma County, State of Oklahoma, the court in which the State Court Action was filed.

9. All papers served on Defendants in the State Court Action at the time of this removal are attached as Exhibits pursuant to 28 U.S.C. § 1446(a). Exhibits 7, 8, and 9.

10. A true and correct copy of the docket sheet in the State Court Action, current through the date of this filing, is attached hereto as Exhibit 10. No motions are pending in the State Court Action.

WHEREFORE Defendants respectfully request that the above referenced action now pending in the District Court of Oklahoma County, State of Oklahoma, be removed therefrom and proceed in this Court from this day forward as an action duly removed.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL &
ANDERSON, L.L.P.

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Attorneys for Defendant UHS
Oklahoma City LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

colby@lhllaw.com
chris@lhllaw.com

s/Kristen L. Brightmire

Kristen L. Brightmire

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